

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jun 11, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoke Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke BB&T Bank Letter of Credit No. 9641679078 0005 for Lendon Phase I in Jones Valley Subdivision.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____

Date: Jun 3, 2015

RESOLUTION NO. 15-_____

WHEREAS, BB&T Bank issued a certain letter of credit (No. 9641679078 0005), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to BB&T Bank Letter of Credit No. 9641679078 0005, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 11th day of June, 2015.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 11th day of June, 2015.

Mayor of the City of
Huntsville, Alabama

BRANCH BANKING AND TRUST COMPANY

ADDRESS: 305 CHURCH ST SW HUNTSVILLE, AL 35801-4924

PHONE NUMBER: 256-551-4782

CONTACT NAME: EDWIN N HOFF, Sr. Vice President or then
current Vice President

IRREVOCABLE STANDBY LETTER OF CREDIT

LETTER OF CREDIT NO. 9641679078 00005
DATE 06/20/2014

ADVISING BANK Branch Banking and Trust Co. 305 Church Street Huntsville, AL 35801		APPLICANT LONDON LLC 218 RANDOLPH AVE SE STE B HUNTSVILLE, AL 35801-4824	
BENEFICIARY CITY OF HUNTSVILLE PO Box 308 HUNTSVILLE, AL 35804-0000		AMOUNT \$48,650.00	EXPIRY DATE 06/20/2015 (FOR PRESENTATION AT OUR COUNTERS)
<p>RE: Article 5 Landscape Letter of Credit for</p> <p>LONDON PHASE I IN JONES VALLEY HUNTSVILLE ALABAMA A RESUBDIVISION OF LOTS 1 AND 2 OF LONDON IN JONES VALLEY HUNTSVILLE ALABAMA, A RESUBDIVISION OF TRACT D OF INSTRUMENT NO. 20080828000557660 AND A RESUBDIVISION OF INSTRUMENT NO. 20120927000618910, AND BEING A PORTION OF LOT 2 OF JONES FARM SOUTHWEST AS RECORDED IN PLAT BOOK 35, PAGE 49, IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AS 20140320000142320 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA</p> <p>GENTLEMEN:</p> <p>WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR</p> <p>AVAILABLE BY YOUR DRAFT(S) Sight</p> <p>DRAWN ON: "BRANCH BANKING & TRUST CO."</p> <p>DRAFT(S) MUST BE MARKED - "DRAWN UNDER BRANCH BANKING AND TRUST COMPANY CREDIT NO. 9641679078 00005"</p> <p>WHICH MUST BE ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:</p> <p>EACH DRAFT MUST BE ACCOMPANIED BY A STATEMENT SIGNED BY A REPRESENTATIVE TO THE CITY OF HUNTSVILLE, ALABAMA STATING THAT THE DRAW IS BEING MADE PURSUANT TO ARTICLE 5 OF THE SUBDIVISION REGULATIONS.</p>			
<p>SPECIAL INSTRUCTIONS</p> <p>SEND ALL INQUIRES TO:</p> <p>Eddie Hoff, Sr. Vice President or then current Vice President</p> <p>305 Church Street</p> <p>Huntsville, Alabama 35801</p>			
<p>THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT INCONSISTENT THEREWITH, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF ALABAMA.</p> <p>WE HEREBY ENGAGE WITH BENEFICIARY THAT WE WILL MAINTAIN ADEQUATE RESERVES TO COVER THE FULL AMOUNT OF THE CREDIT.</p>			